

04-05-07

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Dzau, et al.
SERIAL NUMBER : 10/701,789 EXAMINER : Qian Janice Li
FILING DATE : November 5, 2003 ART UNIT : 1633
FOR : MESENCHYMAL STEM CELLS AND METHODS OF USE
THEREOF

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages);
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copies of Cited References: B2-B3; C57-60; and
3. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 18989-028. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Ingrid A. Beattie Reg. No. 54,039
Ser Ingrid A. Beattie, Reg. No. 42,306
Attorney for Applicants
c/o MINTZ, LEVIN
Address all written correspondence to
Customer no.: 30623
Tel: (617) 542-6000
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Date: April 3, 2007



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed within three months of the mailing date of the Supplementary Partial European Search Report for EP 03 78 3136, mailed January 4, 2007 and which corresponds to the above-identified case. Accordingly, no fee or certification is believed due.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: **Dzau et al.**
U.S.S.N.: **10/701,789**

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 18989-028.

Respectfully submitted,

for  Ingrid A. Beattie, Reg. No. 42,306

Attorney for Applicants

c/o MINTZ, LEVIN

Address all written correspondence to

Customer no.: 30623

Tel: (617) 542-6000

Fax: (617) 542-2241

Date: April 3, 2007

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Please type a plus sign (+) in this box



Modified Form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/701,789
Filing Date	November 5, 2003
First Named Inventor	Dzau
Group Art Unit	1633
Examiner Name	Qian Janice Li
Attorney Docket Number	18989-028

PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. PATENT DOCUMENTS

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

U.S. PUBLISHED APPLICATION DOCUMENTS

Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
	B2	WO 99/03973	OSIRIS THERAPEUTICS, INC.	01/28/99	
	B3	WO 02/08389 A2	SCIMED LIFE SYSTEMS, INC.	01/31/02	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C57	Dzau et al., "Enhancing stem cell therapy through genetic modification", <i>J. Am. College Cardiol.</i> , 46(7):1351-1353 (2005)
	C58	Mangi et al., "Genetically modified mesenchymal stem cells perform in vivo repair of damaged myocardium", <i>Circulation</i> , 106(19-Suppl.):II-131 (2002)
	C59	Min et al., "Significant improvement of heart function by cotransplantation of human mesenchymal stem cells and fetal cardiomyocytes in postinfarcted pigs", <i>Ann. Thorac. Surg.</i> , 74(5):1568-1575 (2002)
	C60	Supplementary Partial European Search Report for EP 03 78 3136, mailed January 4, 2007.

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.